

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

ZTE CORPORATION,

Defendant.

**Civil Action No. 6:20-cv-00487-ADA
Civil Action No. 6:20-cv-00488-ADA
Civil Action No. 6:20-cv-00489-ADA
Civil Action No. 6:20-cv-00490-ADA
Civil Action No. 6:20-cv-00491-ADA
Civil Action No. 6:20-cv-00492-ADA
Civil Action No. 6:20-cv-00493-ADA
Civil Action No. 6:20-cv-00494-ADA
Civil Action No. 6:20-cv-00495-ADA
Civil Action No. 6:20-cv-00496-ADA
Civil Action No. 6:20-cv-00497-ADA**

ORDER REGARDING DISCOVERY DISPUTES

This Court, having considered disputes raised by Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Plaintiff”) against Defendant ZTE Corporation (“Defendant”) during the May 12, 2022, Discovery Hearing, hereby ORDERS the following:

1. Plaintiff’s request to compel Defendant’s designations on all 30(b)(6) topics on which Defendant agreed to provide testimony within seven (7) days is GRANTED. Defendant shall serve its 30(b)(6) designations no later than May 19, 2022. To the extent Defendant refuses to designate any witness on a particular 30(b)(6) topic, Defendant shall provide the reason(s) for such refusal; and the parties are invited to contact the Court to resolve disputes regarding the same;
2. Plaintiff’s request for 10.5 hours of deposition time per designated foreign witness for translated depositions (reflecting 7 hours + 50% to account for translation time) is GRANTED. Defendant shall make each of its foreign witnesses available for 10.5 hours of deposition time. Defendant may tender the foreign witnesses for each respective 10.5 hours of deposition time on

a reasonable schedule, which is presumptively over two consecutive days unless compelling circumstances (e.g., COVID restrictions, illness, emergencies) dictate otherwise;

3. With respect to Plaintiff's request to compel Defendant's 30(b)(6) witnesses in China, the parties shall submit briefing on whether the depositions should proceed under just the Federal Rules of Civil Procedure or in conjunction with the Hague Convention. Plaintiff shall submit its opening brief not to exceed five (5) pages by May 16, 2022. Defendant shall submit its responsive brief not to exceed five (5) pages by May 20, 2022. Plaintiff shall have until May 23, 2022 to submit its reply brief not to exceed three (3) pages. Due in part to the Shanghai Covid lockdown restrictions, the current June 17, 2022, deadline for the close of fact discovery is extended to a date to be determined;

4. Plaintiff's request to compel discovery on products that use the same or reasonably similar technology to those identified in its infringement contentions is GRANTED-IN-PART and DENIED-IN-PART. Defendant shall provide discovery on products identified in Plaintiff's Exhibit C submitted to the Court titled "Brazos Proposed Preliminary List – Reasonably Similar Products as of April 28, 2022." The Court will not require Defendants to provide discovery on reasonably similar products that have not been specifically identified in Exhibit C; however, the Court will address additional reasonably similar products to the extent they are identified by Plaintiff;

5. Plaintiff's request to compel Defendant to produce financial and damages data, financial projections and forecasts, and marketing documents (including documents describing the benefits of the accused products, competitive analysis, surveys, and market research) (collectively, "damages documents") is GRANTED-IN-PART and DENIED-IN-PART without prejudice. Defendant shall produce the underlying data to the document produced as ZTE-WSOU-00013764-

13770 within seven (7) days (no later than May 19, 2022). Defendant shall also produce damages documents to the extent they are in its possession, custody, or control. Plaintiff's request to compel Defendant to produce damages documents from Defendant's wholly-owned subsidiary ZTE (USA), Inc. ("ZTE USA") is denied without prejudice. Plaintiff is encouraged to pursue a Rule 45 subpoena to seek discovery from ZTE USA, which may properly issue by this Court;

6. Plaintiff's request to compel Defendant to produce technical documents, including internal schematics, technical specifications, test reports, technical certifications, development guides, architecture, product requirement or specification sheets, is GRANTED-IN-PART and DENIED-IN-PART. Defendant shall produce such technical documents regarding the products identified in Exhibit C (as noted above in No. 4). Defendant shall serve a chart identifying on a product-by-product basis: (1) whether Defendant has such technical documents in its possession, custody, or control, and identify which categories of documents have already or will be produced and promptly produce them, and (2) if Defendant is not in possession, custody, or control of such technical documents, identify which entity has possession, custody, or control of the same within fourteen (14) days (no later than May 26, 2022);

7. Plaintiff's request to compel Defendant to supplement its responses to Interrogatory Nos. 1-6 is GRANTED. Defendant shall supplement its responses within fourteen (14) days (no later than May 26, 2022) by directing Plaintiff to specific documents pursuant to Rule 33(d) with respect to Interrogatory Nos. 1, 2, 3, and 6, and providing a narrative response to Interrogatory Nos. 4 and 5, including identification of the individuals requested.

Signed this 27th day of May, 2022.


DEREK GILLILAND
UNITED STATES MAGISTRATE JUDGE